

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

JYOTI GAUTAM MURRAY, ALLEN PERRY,)
and EMANUEL GOLD on behalf of themselves)
and all others similarly situated,)

Plaintiffs,)

vs.)

METRO FIBERNET, LLC d/b/a METRONET,)

Defendant.)

No. 3:24-cv-00131-MPB-CSW

**MOTION TO STAY DISCOVERY PENDING RULING
ON MOTION TO DISMISS AMENDED COMPLAINT**

Pursuant to Rule 26(b) of the Federal Rules of Civil Procedure, Defendant Metro Fibernet, LLC (“Metronet”) respectfully moves this Court for an Order staying all discovery pending resolution of Metronet’s Motion to Dismiss Plaintiffs’ Amended Class Action Complaint (Dkt Nos. 52, 53.) In support of this Motion, Metronet states as follows:

1. Plaintiffs brought this putative class action against Metronet, alleging that each signed up for Metronet’s internet service based on pricing representations in “advertising and marketing materials” that failed to disclose that Metronet charged a monthly Tech Assure Fee (“TAF”). (Am. Cmplt., Dkt No. 47.)

2. Metronet filed its Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(6) on May 29, 2025. (Dkt Nos. 52, 53.)

3. For the reasons set forth in Metronet’s Memorandum of Law in Support, Metronet’s Motion to Stay should be granted because (1) Plaintiffs would not be unduly prejudiced by a stay; (2) a stay would simplify the issues in question; (3) a stay would reduce the burden of litigation on the parties; and (4) allowing discovery to continue while Metronet’s Motion to Dismiss is pending would undermine the purposes of Federal Rule of Civil Procedure 9(b).

4. In further support of its Motion, Metronet incorporates the following exhibits filed herewith:

- a. Tab A, Redline Comparison of Plaintiffs' Amended Complaint to the Original Complaint; and
- b. Tab B, Terms and Conditions and Additional Terms of Service Addendum.

WHEREFORE, Metronet respectfully requests that this Court stay all discovery until 28 days after the Court rules on the Motion to Dismiss.

Dated: June 2, 2025

Respectfully submitted,

By: s/ Scott T. Schutte

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CERTIFICATE OF SERVICE

I, Scott T. Schutte, an attorney, certify that I filed the foregoing Motion using the Court's ECF system, which will cause a true and correct copy of the same to be served electronically on all ECF-registered counsel of record on this 2nd day June, 2025.

s/ Scott T. Schutte

Scott T. Schutte